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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TRUSTEES OF THE OPERATING  
ENGINEERS PENSION TRUST;  
TRUSTEES OF THE OPERATING  
ENGINEERS HEALTH AND WELFARE  
FUND; TRUSTEES OF THE OPERATING  
ENGINEERS JOURNEYMAN AND  
APPRENTICE TRAINING TRUST; AND  
TRUSTEES OF THE OPERATING  
ENGINEERS VACATION-HOLIDAY  
SAVINGS TRUST,

Plaintiffs,

v.

WESTERN EXPLOSIVES SYSTEMS  
COMPANY, a Delaware corporation,

Defendant.

Case No. 2:16-cv-02473-GMN-CWH

**STIPULATION AND ORDER TO  
EXTEND DEADLINE TO  
RESPOND TO COMPLAINT**

**(First Request)**

In accordance with LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiffs, TRUSTEES OF THE OPERATING ENGINEERS PENSION TRUST; TRUSTEES OF THE OPERATING ENGINEERS HEALTH AND WELFARE FUND; TRUSTEES OF THE OPERATING ENGINEERS JOURNEYMAN AND APPRENTICE TRAINING TRUST; AND TRUSTEES OF THE OPERATING ENGINEERS VACATION-HOLIDAY SAVINGS TRUST (“Plaintiffs”), and Defendant, WESTERN EXPLOSIVES SYSTEMS COMPANY

1 (“Defendant”), hereby stipulate and agree to a thirty-day extension of time, **up to and including**  
2 **January 20, 2017**, for Defendant to answer or otherwise respond to Plaintiffs’ Complaint filed  
3 in the above-captioned matter. This is the first request for an extension of the deadline to answer  
4 or otherwise respond to the Complaint.

## 5 **I. BACKGROUND**

6 On October 21, 2016, Plaintiffs filed their Complaint alleging that Defendant breached  
7 certain purported obligations under a master labor agreement and trust documents. ECF No. 1.  
8 On November 30, 2016, Defendant’s legal counsel accepted service of the Summons and  
9 Complaint on Defendant’s behalf. ECF No. 4. Pursuant to Federal Rule of Civil Procedure 12(a),  
10 the current deadline for Defendant to answer or otherwise respond to Plaintiffs’ Complaint is  
11 December 21, 2016.

## 12 **II. REASON FOR THE EXTENSION REQUESTED**

13 The parties request an extension through January 20, 2017 because Plaintiffs’ auditor is  
14 in the process of finalizing the analysis of Defendant’s records. Depending on the audit findings,  
15 the parties may seek to resolve the matter without additional court proceedings.

16 The parties request the extension detailed herein to permit the auditor to finalize the audit  
17 of WESCO’s records and then to allow the parties to explore possible settlement and potentially  
18 avoid expenses, including attorney’s fees, to litigate the above-captioned matter. In particular, if  
19 the parties are able to resolve the matter without further litigation in this case, Defendant would  
20 not incur the attorney’s fees to prepare an answer or other response to the Complaint. Also, to  
21 the extent that Defendant filed a motion in response to the Complaint, Plaintiffs would avoid the  
22 expenses of having an opposition drafted, and Defendant would not have to incur attorney’s fees  
23 to draft the reply in support of the motion.

1 The extension is requested in good faith and not for the purpose of delaying these  
2 proceedings.

3 **III. CONCLUSION**

4 For the reasons set forth above, the parties hereby stipulate and request that the Court  
5 grant a thirty-day extension of time, **up to and including January 20, 2017**, for Defendant to  
6 answer or otherwise respond to the Complaint.

7 DATED: December 21, 2016

DATED: December 21, 2016

8 Respectfully submitted,

Respectfully submitted,

9 CLARK LAW COUNSEL PLLC

LAQUER, URBAN, CLIFFORD & HODGE LLP

10 /s/ Dustin L. Clark

/s/ Nathan R. Ring

11 Dustin L. Clark

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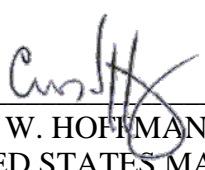
Las Vegas, NV 89145

Las Vegas, NV 89103

13 *Counsel for Defendant*

*Counsel for Plaintiffs*

14  
15  
16 IT IS SO ORDERED.

17   
18 \_\_\_\_\_  
CARL W. HOFFMAN

UNITED STATES MAGISTRATE JUDGE

19  
20 DATED: December 22, 2016  
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